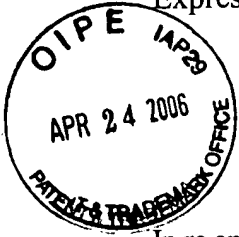


04-25-06

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chen et al.

Serial No.: 10/670,876

Filed: September 25, 2003

Conf. No.: 5788

For: EPITAXIAL LAYER FOR LASER DIODE RIDGE PROTECTION

Examiner: James A. Menefee

Customer No.: 022913

MAIL STOP: AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In the Office Action mailed March 31, 2006 (the “Office Action”), the Examiner set forth a Restriction Requirement that identified what the Examiner has characterized as two (2) distinct inventions. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following two inventions:

- I. - Claims 1-19 and 25-26, drawn to an optoelectronic device/laser, classified in class 372, subclass 46.01; and
- II. - Claims 20-24, drawn to a method claim reciting process steps for fabricating the device, classified in class 438, subclass 22.

In response to the Restriction Requirement set forth in the Office Action, Applicant hereby elects Invention I, claims 1-19 and 25-26 (drawn to an optoelectronic device/laser, classified in class 372, subclass 46.01) without traverse.

Applicant notes that while the election set forth herein is made without traverse, the mere fact that no traverse is made should not be construed as an assessment or judgment by the Applicant as to the merits, if any, of: the characterization of the claims and inventions advanced by the Examiner in the restriction requirement set forth in the Office Action; or, any other assertions, allegations, statements or characterizations made by the Examiner in that restriction requirement.

An action on the merits of elected claims 1-19 and 25-26, and a Notice of Allowance thereof are respectfully requested.

DATED this 24th day of April, 2006.

Respectfully submitted,



PETER F. MALEN JR.

Attorney for Applicants

Registration No. 45,576

Customer No.: 022913

Telephone No.: (801) 533-9800

APR 24 2006

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
15436.247.4.1

In Re Application Of: Chen et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/670,876	September 25, 2003	James A. Menefee	022913	2828	5788

Title: EPITAXIAL LAYER FOR LASER DIODE RIDGE PROTECTION

COMMISSIONER FOR PATENTS:

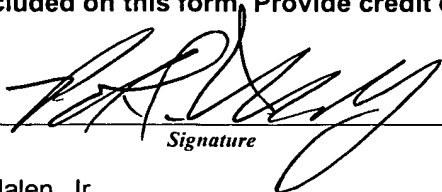
Transmitted herewith is:

Response to Restriction Requirement (2 pgs); Certificate of Mailing by "Express Mail" and postcard

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
- ☐ Charge the amount of _____
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- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: April 24, 2006

Peter F. Malen, Jr.
Attorney for Applicants
Reg. No. 45,576
Telephone No. 801-533-9800

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Chen et al.

Docket No.

15436.247.4.1

Application No.

10/670,876

Filing Date

September 25, 2003

Examiner

James A. Menefee

Customer No.

022913

Group Art Unit

2828

Invention:

OPTICAL LAYER FOR LASER DIODE RIDGE PROTECTION

APR 24 2006

I hereby certify that the following correspondence:

Response to Restriction Requirement (2 pgs); Transmittal Letter (1 pg in duplicate); and postcard

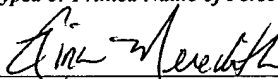
(Identify type of correspondence)

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